

**Calendar No. 511**

110TH CONGRESS  
1ST SESSION

**S. 2363**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2007

Mrs. HUTCHISON (for herself, Mr. McCONNELL, Mr. BENNETT, Mr. CRAIG, and Mr. BROWNBACK) introduced the following bill; which was read the first time

NOVEMBER 16, 2007

Read the second time and placed on the calendar

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**A BILL**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are hereby appropriated, out of  
4       any money in the Treasury not otherwise appropriated,  
5       and out of applicable corporate or other revenues, receipts,

1 and funds, for the several departments, agencies, corpora-  
 2 tions, and other organizational units of Government for  
 3 fiscal year 2008, and for other purposes, namely:

#### 4 TITLE I

#### 5 DEPARTMENT OF DEFENSE

#### 6 MILITARY CONSTRUCTION, ARMY

#### 7 (INCLUDING RESCISSION OF FUNDS)

8 For acquisition, construction, installation, and equip-  
 9 ment of temporary or permanent public works, military  
 10 installations, facilities, and real property for the Army as  
 11 currently authorized by law, including personnel in the  
 12 Army Corps of Engineers and other personal services nec-  
 13 essary for the purposes of this appropriation, and for con-  
 14 struction and operation of facilities in support of the func-  
 15 tions of the Commander in Chief, \$3,950,383,000, to re-  
 16 main available until September 30, 2012: *Provided*, That  
 17 of this amount, not to exceed \$321,983,000 shall be avail-  
 18 able for study, planning, design, architect and engineer  
 19 services, and host nation support, as authorized by law,  
 20 unless the Secretary of Defense determines that additional  
 21 obligations are necessary for such purposes and notifies  
 22 the Committees on Appropriations of both Houses of Con-  
 23 gress of the determination and the reasons therefor: *Pro-*  
 24 *vided further*, That of the funds appropriated for “Military

1 Construction, Army” under Public Law 110–5,  
2 \$8,690,000 are hereby rescinded.

3     MILITARY CONSTRUCTION, NAVY AND MARINE CORPS  
4             (INCLUDING RESCISSIONS OF FUNDS)

5         For acquisition, construction, installation, and equip-  
6 ment of temporary or permanent public works, naval in-  
7 stallations, facilities, and real property for the Navy and  
8 Marine Corps as currently authorized by law, including  
9 personnel in the Naval Facilities Engineering Command  
10 and other personal services necessary for the purposes of  
11 this appropriation, \$2,220,784,000, to remain available  
12 until September 30, 2012: *Provided*, That of this amount,  
13 not to exceed \$113,017,000 shall be available for study,  
14 planning, design, and architect and engineer services, as  
15 authorized by law, unless the Secretary of Defense deter-  
16 mines that additional obligations are necessary for such  
17 purposes and notifies the Committees on Appropriations  
18 of both Houses of Congress of the determination and the  
19 reasons therefor: *Provided further*, That of the funds ap-  
20 propriated for “Military Construction, Navy and Marine  
21 Corps” under Public Law 108–132, \$5,862,000; under  
22 Public Law 108–324, \$2,069,000; and under Public Law  
23 110–5, \$2,626,000 are hereby rescinded.

## 1           MILITARY CONSTRUCTION, AIR FORCE

2           (INCLUDING RESCISSIONS OF FUNDS)

3           For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, military  
5 installations, facilities, and real property for the Air Force  
6 as currently authorized by law, \$1,159,747,000, to remain  
7 available until September 30, 2012: *Provided*, That of this  
8 amount, not to exceed \$43,721,000 shall be available for  
9 study, planning, design, and architect and engineer serv-  
10 ices, as authorized by law, unless the Secretary of Defense  
11 determines that additional obligations are necessary for  
12 such purposes and notifies the Committees on Appropria-  
13 tions of both Houses of Congress of the determination and  
14 the reasons therefor: *Provided further*, That of the funds  
15 appropriated for “Military Construction, Air Force” under  
16 Public Law 108–324, \$5,319,000; and under Public Law  
17 110–5, \$5,151,000 are hereby rescinded.

## 18           MILITARY CONSTRUCTION, DEFENSE-WIDE

19           (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

20           For acquisition, construction, installation, and equip-  
21 ment of temporary or permanent public works, installa-  
22 tions, facilities, and real property for activities and agen-  
23 cies of the Department of Defense (other than the military  
24 departments), as currently authorized by law,  
25 \$1,609,596,000, to remain available until September 30,

1 2012: *Provided*, That such amounts of this appropriation  
2 as may be determined by the Secretary of Defense may  
3 be transferred to such appropriations of the Department  
4 of Defense available for military construction or family  
5 housing as the Secretary may designate, to be merged with  
6 and to be available for the same purposes, and for the  
7 same time period, as the appropriation or fund to which  
8 transferred: *Provided further*, That of the amount appro-  
9 priated, not to exceed \$155,569,000 shall be available for  
10 study, planning, design, and architect and engineer serv-  
11 ices, as authorized by law, unless the Secretary of Defense  
12 determines that additional obligations are necessary for  
13 such purposes and notifies the Committees on Appropria-  
14 tions of both Houses of Congress of the determination and  
15 the reasons therefor: *Provided further*, That of the funds  
16 appropriated for “Military Construction, Defense-Wide”  
17 under Public Law 110–5, \$10,192,000 are hereby re-  
18 scinded.

19 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

20 For construction, acquisition, expansion, rehabilita-  
21 tion, and conversion of facilities for the training and ad-  
22 ministration of the Army National Guard, and contribu-  
23 tions therefor, as authorized by chapter 1803 of title 10,  
24 United States Code, and Military Construction Authoriza-

tion Acts, \$536,656,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$287,537,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$148,133,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,430,000, to remain available until September 30, 2012.

## 1        MILITARY CONSTRUCTION, AIR FORCE RESERVE

## 2                    (INCLUDING RESCISSION OF FUNDS)

3        For construction, acquisition, expansion, rehabilita-  
4        tion, and conversion of facilities for the training and ad-  
5        ministration of the Air Force Reserve as authorized by  
6        chapter 1803 of title 10, United States Code, and Military  
7        Construction Authorization Acts, \$28,359,000, to remain  
8        available until September 30, 2012: *Provided*, That of the  
9        funds appropriated for “Military Construction, Air Force  
10       Reserve” under Public Law 109–114, \$3,069,000 are  
11       hereby rescinded.

## 12       NORTH ATLANTIC TREATY ORGANIZATION SECURITY

## 13                    INVESTMENT PROGRAM

14       For the United States share of the cost of the North  
15       Atlantic Treaty Organization Security Investment Pro-  
16       gram for the acquisition and construction of military fa-  
17       cilities and installations (including international military  
18       headquarters) and for related expenses for the collective  
19       defense of the North Atlantic Treaty Area as authorized  
20       by section 2806 of title 10, United States Code, and Mili-  
21       tary Construction Authorization Acts, \$201,400,000, to  
22       remain available until expended.

## 1           FAMILY HOUSING CONSTRUCTION, ARMY

2                   (INCLUDING RESCISSION OF FUNDS)

3           For expenses of family housing for the Army for con-  
4 struction, including acquisition, replacement, addition, ex-  
5 pansion, extension, and alteration, as authorized by law,  
6 \$424,400,000, to remain available until September 30,  
7 2012: *Provided*, That of the funds appropriated for “Fam-  
8 ily Housing Construction, Army” under Public Law 110–  
9 5, \$4,559,000 are hereby rescinded.

10          FAMILY HOUSING OPERATION AND MAINTENANCE,  
11                                   ARMY

12          For expenses of family housing for the Army for op-  
13 eration and maintenance, including debt payment, leasing,  
14 minor construction, principal and interest charges, and in-  
15 surance premiums, as authorized by law, \$731,920,000.

16          FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE  
17                                   CORPS

18          For expenses of family housing for the Navy and Ma-  
19 rine Corps for construction, including acquisition, replace-  
20 ment, addition, expansion, extension, and alteration, as  
21 authorized by law, \$293,129,000, to remain available until  
22 September 30, 2012.



1       FAMILY HOUSING OPERATION AND MAINTENANCE,  
 2                               NAVY AND MARINE CORPS

3       For expenses of family housing for the Navy and Ma-  
 4 rine Corps for operation and maintenance, including debt  
 5 payment, leasing, minor construction, principal and inter-  
 6 est charges, and insurance premiums, as authorized by  
 7 law, \$371,404,000.

8       FAMILY HOUSING CONSTRUCTION, AIR FORCE  
 9                               (INCLUDING RESCISSION OF FUNDS)

10      For expenses of family housing for the Air Force for  
 11 construction, including acquisition, replacement, addition,  
 12 expansion, extension, and alteration, as authorized by law,  
 13 \$327,747,000, to remain available until September 30,  
 14 2012: *Provided*, That of the funds appropriated for “Fam-  
 15 ily Housing Construction, Air Force” under Public Law  
 16 108–132, \$15,000,000 are hereby rescinded.

17      FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
 18                               FORCE

19      For expenses of family housing for the Air Force for  
 20 operation and maintenance, including debt payment, leas-  
 21 ing, minor construction, principal and interest charges,  
 22 and insurance premiums, as authorized by law,  
 23 \$688,335,000.

8 DEPARTMENT OF DEFENSE FAMILY HOUSING  
9 IMPROVEMENT FUND

16 CHEMICAL DEMILITARIZATION CONSTRUCTION,  
17 DEFENSE-WIDE

**S 2363 PCS**

## 4 1990

10 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$8,040,401,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and

1 exceeding the minor construction threshold under 10  
2 U.S.C. 2805.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 101. None of the funds made available in this  
5 title shall be expended for payments under a cost-plus-a-  
6 fixed-fee contract for construction, where cost estimates  
7 exceed \$25,000, to be performed within the United States,  
8 except Alaska, without the specific approval in writing of  
9 the Secretary of Defense setting forth the reasons there-  
10 for.

11 SEC. 102. Funds made available in this title for con-  
12 struction shall be available for hire of passenger motor ve-  
13 hicles.

14 SEC. 103. Funds made available in this title for con-  
15 struction may be used for advances to the Federal High-  
16 way Administration, Department of Transportation, for  
17 the construction of access roads as authorized by section  
18 210 of title 23, United States Code, when projects author-  
19 ized therein are certified as important to the national de-  
20 fense by the Secretary of Defense.

21 SEC. 104. None of the funds made available in this  
22 title may be used to begin construction of new bases in  
23 the United States for which specific appropriations have  
24 not been made.

1        SEC. 105. None of the funds made available in this  
2 title shall be used for purchase of land or land easements  
3 in excess of 100 percent of the value as determined by  
4 the Army Corps of Engineers or the Naval Facilities Engi-  
5 neering Command, except: (1) where there is a determina-  
6 tion of value by a Federal court; (2) purchases negotiated  
7 by the Attorney General or the designee of the Attorney  
8 General; (3) where the estimated value is less than  
9 \$25,000; or (4) as otherwise determined by the Secretary  
10 of Defense to be in the public interest.

11       SEC. 106. None of the funds made available in this  
12 title shall be used to: (1) acquire land; (2) provide for site  
13 preparation; or (3) install utilities for any family housing,  
14 except housing for which funds have been made available  
15 in annual Acts making appropriations for military con-  
16 struction.

17       SEC. 107. None of the funds made available in this  
18 title for minor construction may be used to transfer or  
19 relocate any activity from one base or installation to an-  
20 other, without prior notification to the Committees on Ap-  
21 propriations of both Houses of Congress.

22       SEC. 108. None of the funds made available in this  
23 title may be used for the procurement of steel for any con-  
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied  
2 the opportunity to compete for such steel procurement.

3 SEC. 109. None of the funds available to the Depart-  
4 ment of Defense for military construction or family hous-  
5 ing during the current fiscal year may be used to pay real  
6 property taxes in any foreign nation.

7 SEC. 110. None of the funds made available in this  
8 title may be used to initiate a new installation overseas  
9 without prior notification to the Committees on Appro-  
10 priations of both Houses of Congress.

11 SEC. 111. None of the funds made available in this  
12 title may be obligated for architect and engineer contracts  
13 estimated by the Government to exceed \$500,000 for  
14 projects to be accomplished in Japan, in any North Atlan-  
15 tic Treaty Organization member country, or in countries  
16 bordering the Arabian Sea, unless such contracts are  
17 awarded to United States firms or United States firms  
18 in joint venture with host nation firms.

19 SEC. 112. None of the funds made available in this  
20 title for military construction in the United States terri-  
21 tories and possessions in the Pacific and on Kwajalein  
22 Atoll, or in countries bordering the Arabian Sea, may be  
23 used to award any contract estimated by the Government  
24 to exceed \$1,000,000 to a foreign contractor: *Provided*,  
25 That this section shall not be applicable to contract

1 awards for which the lowest responsive and responsible bid  
2 of a United States contractor exceeds the lowest respon-  
3 sive and responsible bid of a foreign contractor by greater  
4 than 20 percent: *Provided further*, That this section shall  
5 not apply to contract awards for military construction on  
6 Kwajalein Atoll for which the lowest responsive and re-  
7 sponsible bid is submitted by a Marshallese contractor.

8       SEC. 113. The Secretary of Defense is to inform the  
9 appropriate committees of both Houses of Congress, in-  
10 cluding the Committees on Appropriations, of the plans  
11 and scope of any proposed military exercise involving  
12 United States personnel 30 days prior to its occurring,  
13 if amounts expended for construction, either temporary or  
14 permanent, are anticipated to exceed \$100,000.

15       SEC. 114. Not more than 20 percent of the funds  
16 made available in this title which are limited for obligation  
17 during the current fiscal year shall be obligated during  
18 the last two months of the fiscal year.

19                   (INCLUDING TRANSFER OF FUNDS)

20       SEC. 115. Funds appropriated to the Department of  
21 Defense for construction in prior years shall be available  
22 for construction authorized for each such military depart-  
23 ment by the authorizations enacted into law during the  
24 current session of Congress.

25       SEC. 116. For military construction or family housing  
26 projects that are being completed with funds otherwise ex-

1   pired or lapsed for obligation, expired or lapsed funds may  
2   be used to pay the cost of associated supervision, inspec-  
3   tion, overhead, engineering and design on those projects  
4   and on subsequent claims, if any.

5       SEC. 117. Notwithstanding any other provision of  
6   law, any funds made available to a military department  
7   or defense agency for the construction of military projects  
8   may be obligated for a military construction project or  
9   contract, or for any portion of such a project or contract,  
10   at any time before the end of the fourth fiscal year after  
11   the fiscal year for which funds for such project were made  
12   available, if the funds obligated for such project: (1) are  
13   obligated from funds available for military construction  
14   projects; and (2) do not exceed the amount appropriated  
15   for such project, plus any amount by which the cost of  
16   such project is increased pursuant to law.

17       SEC. 118. (a) The Secretary of Defense, in consulta-  
18   tion with the Secretary of State, shall submit to the Com-  
19   mittees on Appropriations of both Houses of Congress, by  
20   February 15 of each year, an annual report, in unclassi-  
21   fied and, if necessary classified form, on actions taken by  
22   the Department of Defense and the Department of State  
23   during the previous fiscal year to encourage host countries  
24   to assume a greater share of the common defense burden  
25   of such countries and the United States.



1 (b) The report under subsection (a) shall include a  
2 description of—

3 (1) attempts to secure cash and in-kind con-  
4 tributions from host countries for military construc-  
5 tion projects;

6 (2) attempts to achieve economic incentives of-  
7 fered by host countries to encourage private invest-  
8 ment for the benefit of the United States Armed  
9 Forces;

10 (3) attempts to recover funds due to be paid to  
11 the United States by host countries for assets deed-  
12 ed or otherwise imparted to host countries upon the  
13 cessation of United States operations at military in-  
14 stallations;

15 (4) the amount spent by host countries on de-  
16 fense, in dollars and in terms of the percent of gross  
17 domestic product (GDP) of the host country; and

18 (5) for host countries that are members of the  
19 North Atlantic Treaty Organization (NATO), the  
20 amount contributed to NATO by host countries, in  
21 dollars and in terms of the percent of the total  
22 NATO budget.

23 (c) In this section, the term “host country” means  
24 other member countries of NATO, Japan, South Korea,  
25 and United States allies bordering the Arabian Sea.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 119. In addition to any other transfer authority  
3 available to the Department of Defense, proceeds depos-  
4 ited to the Department of Defense Base Closure Account  
5 established by section 207(a)(1) of the Defense Authoriza-  
6 tion Amendments and Base Closure and Realignment Act  
7 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)  
8 of such Act, may be transferred to the account established  
9 by section 2906(a)(1) of the Defense Base Closure and  
10 Realignment Act of 1990 (10 U.S.C. 2687 note), to be  
11 merged with, and to be available for the same purposes  
12 and the same time period as that account.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 120. Subject to 30 days prior notification to the  
15 Committees on Appropriations of both Houses of Con-  
16 gress, such additional amounts as may be determined by  
17 the Secretary of Defense may be transferred to: (1) the  
18 Department of Defense Family Housing Improvement  
19 Fund from amounts appropriated for construction in  
20 “Family Housing” accounts, to be merged with and to be  
21 available for the same purposes and for the same period  
22 of time as amounts appropriated directly to the Fund; or  
23 (2) the Department of Defense Military Unaccompanied  
24 Housing Improvement Fund from amounts appropriated  
25 for construction of military unaccompanied housing in  
26 “Military Construction” accounts, to be merged with and

1 to be available for the same purposes and for the same  
2 period of time as amounts appropriated directly to the  
3 Fund: *Provided*, That appropriations made available to  
4 the Funds shall be available to cover the costs, as defined  
5 in section 502(5) of the Congressional Budget Act of  
6 1974, of direct loans or loan guarantees issued by the De-  
7 partment of Defense pursuant to the provisions of sub-  
8 chapter IV of chapter 169 of title 10, United States Code,  
9 pertaining to alternative means of acquiring and improv-  
10 ing military family housing, military unaccompanied hous-  
11 ing, and supporting facilities.

12 SEC. 121. (a) Not later than 60 days before issuing  
13 any solicitation for a contract with the private sector for  
14 military family housing the Secretary of the military de-  
15 partment concerned shall submit to the Committees on  
16 Appropriations of both Houses of Congress the notice de-  
17 scribed in subsection (b).

18 (b)(1) A notice referred to in subsection (a) is a no-  
19 tice of any guarantee (including the making of mortgage  
20 or rental payments) proposed to be made by the Secretary  
21 to the private party under the contract involved in the  
22 event of—

23 (A) the closure or realignment of the installa-  
24 tion for which housing is provided under the con-  
25 tract;

1 (B) a reduction in force of units stationed at  
2 such installation; or

3 (C) the extended deployment overseas of units  
4 stationed at such installation.

5 (2) Each notice under this subsection shall specify  
6 the nature of the guarantee involved and assess the extent  
7 and likelihood, if any, of the liability of the Federal Gov-  
8 ernment with respect to the guarantee.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 122. In addition to any other transfer authority  
11 available to the Department of Defense, amounts may be  
12 transferred from the accounts established by sections  
13 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure  
14 and Realignment Act of 1990 (10 U.S.C. 2687 note), to  
15 the fund established by section 1013(d) of the Demonstra-  
16 tion Cities and Metropolitan Development Act of 1966 (42  
17 U.S.C. 3374) to pay for expenses associated with the  
18 Homeowners Assistance Program. Any amounts trans-  
19 ferred shall be merged with and be available for the same  
20 purposes and for the same time period as the fund to  
21 which transferred.

22 SEC. 123. Notwithstanding this or any other provi-  
23 sion of law, funds made available in this title for operation  
24 and maintenance of family housing shall be the exclusive  
25 source of funds for repair and maintenance of all family  
26 housing units, including general or flag officer quarters:

1 *Provided*, That not more than \$35,000 per unit may be  
2 spent annually for the maintenance and repair of any gen-  
3 eral or flag officer quarters without 30 days prior notifica-  
4 tion to the Committees on Appropriations of both Houses  
5 of Congress, except that an after-the-fact notification shall  
6 be submitted if the limitation is exceeded solely due to  
7 costs associated with environmental remediation that  
8 could not be reasonably anticipated at the time of the  
9 budget submission: *Provided further*, That the Under Sec-  
10 retary of Defense (Comptroller) is to report annually to  
11 the Committees on Appropriations of both Houses of Con-  
12 gress all operation and maintenance expenditures for each  
13 individual general or flag officer quarters for the prior fis-  
14 cal year.

15       SEC. 124. Whenever the Secretary of Defense or any  
16 other official of the Department of Defense is requested  
17 by the subcommittee on Military Construction, Veterans  
18 Affairs, and Related Agencies of the Committee on Appro-  
19 priations of the House of Representatives or the sub-  
20 committee on Military Construction, Veterans Affairs, and  
21 Related Agencies of the Committee on Appropriations of  
22 the Senate to respond to a question or inquiry submitted  
23 by the chairman or another member of that subcommittee  
24 pursuant to a subcommittee hearing or other activity, the  
25 Secretary (or other official) shall respond to the request,

1 in writing, within 21 days of the date on which the request  
2 is transmitted to the Secretary (or other official).

3 SEC. 125. Amounts contained in the Ford Island Im-  
4 provement Account established by subsection (h) of sec-  
5 tion 2814 of title 10, United States Code, are appro-  
6 priated and shall be available until expended for the pur-  
7 poses specified in subsection (i)(1) of such section or until  
8 transferred pursuant to subsection (i)(3) of such section.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 126. None of the funds made available in this  
11 title, or in any Act making appropriations for military con-  
12 struction which remain available for obligation, may be ob-  
13 ligated or expended to carry out a military construction,  
14 land acquisition, or family housing project at or for a mili-  
15 tary installation approved for closure, or at a military in-  
16 stallation for the purposes of supporting a function that  
17 has been approved for realignment to another installation,  
18 in 2005 under the Defense Base Closure and Realignment  
19 Act of 1990 (part A of title XXIX of Public Law 101–  
20 510; 10 U.S.C. 2687 note), unless such a project at a mili-  
21 tary installation approved for realignment will support a  
22 continuing mission or function at that installation or a  
23 new mission or function that is planned for that installa-  
24 tion, or unless the Secretary of Defense certifies that the  
25 cost to the United States of carrying out such project  
26 would be less than the cost to the United States of cancel-

1 ling such project, or if the project is at an active compo-  
 2 nent base that shall be established as an enclave or in the  
 3 case of projects having multi-agency use, that another  
 4 Government agency has indicated it will assume ownership  
 5 of the completed project. The Secretary of Defense may  
 6 not transfer funds made available as a result of this limi-  
 7 tation from any military construction project, land acquisi-  
 8 tion, or family housing project to another account or use  
 9 such funds for another purpose or project without the  
 10 prior approval of the Committees on Appropriations of  
 11 both Houses of Congress. This section shall not apply to  
 12 military construction projects, land acquisition, or family  
 13 housing projects for which the project is vital to the na-  
 14 tional security or the protection of health, safety, or envi-  
 15 ronmental quality: *Provided*, That the Secretary of De-  
 16 fense shall notify the congressional defense committees  
 17 within seven days of a decision to carry out such a military  
 18 construction project.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 127. During the 5-year period after appropria-  
 21 tions available in this Act to the Department of Defense  
 22 for military construction and family housing operation and  
 23 maintenance and construction have expired for obligation,  
 24 upon a determination that such appropriations will not be  
 25 necessary for the liquidation of obligations or for making  
 26 authorized adjustments to such appropriations for obliga-

1 tions incurred during the period of availability of such ap-  
 2 propriations, unobligated balances of such appropriations  
 3 may be transferred into the appropriation “Foreign Cur-  
 4 rency Fluctuations, Construction, Defense”, to be merged  
 5 with and to be available for the same time period and for  
 6 the same purposes as the appropriation to which trans-  
 7 ferred.

8 SEC. 128. None of the funds in this title shall be used  
 9 for any activity related to the construction of an Outlying  
 10 Landing Field in Washington County, North Carolina.

## 11 TITLE II

### 12 DEPARTMENT OF VETERANS AFFAIRS

#### 13 VETERANS BENEFITS ADMINISTRATION

##### 14 COMPENSATION AND PENSIONS

##### 15 (INCLUDING TRANSFER OF FUNDS)

16 For the payment of compensation benefits to or on  
 17 behalf of veterans and a pilot program for disability ex-  
 18 aminations as authorized by section 107 and chapters 11,  
 19 13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
 20 pension benefits to or on behalf of veterans as authorized  
 21 by chapters 15, 51, 53, 55, and 61 of title 38, United  
 22 States Code; and burial benefits, the Reinstated Entitle-  
 23 ment Program for Survivors, emergency and other offi-  
 24 cers’ retirement pay, adjusted-service credits and certifi-  
 25 cates, payment of premiums due on commercial life insur-  
 26 ance policies guaranteed under the provisions of title IV



1 of the Servicemembers Civil Relief Act (50 U.S.C. App.  
 2 541 et seq.) and for other benefits as authorized by sec-  
 3 tions 107, 1312, 1977, and 2106, and chapters 23, 51,  
 4 53, 55, and 61 of title 38, United States Code,  
 5 \$41,236,322,000, to remain available until expended: *Pro-*  
 6 *vided*, That not to exceed \$28,583,000 of the amount ap-  
 7 propriated under this heading shall be reimbursed to  
 8 “General operating expenses” and “Medical administra-  
 9 tion” for necessary expenses in implementing the provi-  
 10 sions of chapters 51, 53, and 55 of title 38, United States  
 11 Code, the funding source for which is specifically provided  
 12 as the “Compensation and pensions” appropriation: *Pro-*  
 13 *vided further*, That such sums as may be earned on an  
 14 actual qualifying patient basis, shall be reimbursed to  
 15 “Medical care collections fund” to augment the funding  
 16 of individual medical facilities for nursing home care pro-  
 17 vided to pensioners as authorized.

#### 18 READJUSTMENT BENEFITS

19 For the payment of readjustment and rehabilitation  
 20 benefits to or on behalf of veterans as authorized by chap-  
 21 ters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of  
 22 title 38, United States Code, \$3,300,289,000, to remain  
 23 available until expended: *Provided*, That expenses for re-  
 24 habilitation program services and assistance which the  
 25 Secretary is authorized to provide under subsection (a) of  
 26 section 3104 of title 38, United States Code, other than

1 under paragraphs (1), (2), (5), and (11) of that sub-  
 2 section, shall be charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life  
 5 insurance, servicemen's indemnities, service-disabled vet-  
 6 erans insurance, and veterans mortgage life insurance as  
 7 authorized by title 38, United States Code, chapters 19  
 8 and 21, \$41,250,000, to remain available until expended.

9 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM  
 10 ACCOUNT

11 For the cost of direct and guaranteed loans, such  
 12 sums as may be necessary to carry out the program, as  
 13 authorized by subchapters I through III of chapter 37 of  
 14 title 38, United States Code: *Provided*, That such costs,  
 15 including the cost of modifying such loans, shall be as de-  
 16 fined in section 502 of the Congressional Budget Act of  
 17 1974: *Provided further*, That during fiscal year 2008,  
 18 within the resources available, not to exceed \$500,000 in  
 19 gross obligations for direct loans are authorized for spe-  
 20 cially adapted housing loans.

21 In addition, for administrative expenses to carry out  
 22 the direct and guaranteed loan programs, \$154,562,000.

23 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT  
 24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of direct loans, \$71,000, as authorized  
 26 by chapter 31 of title 38, United States Code: *Provided*,

1 That such costs, including the cost of modifying such  
 2 loans, shall be as defined in section 502 of the Congres-  
 3 sional Budget Act of 1974: *Provided further*, That funds  
 4 made available under this heading are available to sub-  
 5 sidize gross obligations for the principal amount of direct  
 6 loans not to exceed \$3,287,000.

7 In addition, for administrative expenses necessary to  
 8 carry out the direct loan program, \$311,000, which may  
 9 be transferred to and merged with the appropriation for  
 10 “General operating expenses”.

11 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM  
 12 ACCOUNT

13 For administrative expenses to carry out the direct  
 14 loan program authorized by subchapter V of chapter 37  
 15 of title 38, United States Code, \$628,000.

16 GUARANTEED TRANSITIONAL HOUSING LOANS FOR  
 17 HOMELESS VETERANS PROGRAM ACCOUNT

18 For the administrative expenses to carry out the  
 19 guaranteed transitional housing loan program authorized  
 20 by subchapter VI of chapter 20 of title 38, United States  
 21 Code, not to exceed \$750,000 of the amounts appropriated  
 22 by this Act for “General operating expenses” and “Med-  
 23 ical administration” may be expended.

## 1 VETERANS HEALTH ADMINISTRATION

## 2 MEDICAL SERVICES

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for furnishing, as authorized  
5 by law, inpatient and outpatient care and treatment to  
6 beneficiaries of the Department of Veterans Affairs and  
7 veterans described in section 1705(a) of title 38, United  
8 States Code, including care and treatment in facilities not  
9 under the jurisdiction of the Department, and including  
10 medical supplies and equipment, food services, and sala-  
11 ries and expenses of health-care employees hired under  
12 title 38, United States Code, and aid to State homes as  
13 authorized by section 1741 of title 38, United States Code;  
14 \$29,104,220,000, plus reimbursements, of which not less  
15 than \$2,900,000,000 shall be expended for specialty men-  
16 tal health care and not less than \$130,000,000 shall be  
17 expended for the homeless grants and per diem program:  
18 *Provided*, That of the funds made available under this  
19 heading, not to exceed \$1,350,000,000 shall be available  
20 until September 30, 2009: *Provided further*, That, not-  
21 withstanding any other provision of law, the Secretary of  
22 Veterans Affairs shall establish a priority for the provision  
23 of medical treatment for veterans who have service-con-  
24 nected disabilities, lower income, or have special needs:  
25 *Provided further*, That, notwithstanding any other provi-  
26 sion of law, the Secretary of Veterans Affairs shall give

1 priority funding for the provision of basic medical benefits  
 2 to veterans in enrollment priority groups 1 through 6: *Pro-*  
 3 *vided further*, That, notwithstanding any other provision  
 4 of law, the Secretary of Veterans Affairs may authorize  
 5 the dispensing of prescription drugs from Veterans Health  
 6 Administration facilities to enrolled veterans with privately  
 7 written prescriptions based on requirements established by  
 8 the Secretary: *Provided further*, That the implementation  
 9 of the program described in the previous proviso shall  
 10 incur no additional cost to the Department of Veterans  
 11 Affairs: *Provided further*, That for the Department of De-  
 12 fense/Department of Veterans Affairs Health Care Shar-  
 13 ing Incentive Fund, as authorized by section 8111(d) of  
 14 title 38, United States Code, a minimum of \$15,000,000,  
 15 to remain available until expended, for any purpose au-  
 16 thorized by section 8111 of title 38, United States Code.

17 MEDICAL ADMINISTRATION

18 For necessary expenses in the administration of the  
 19 medical, hospital, nursing home, domiciliary, construction,  
 20 supply, and research activities, as authorized by law; ad-  
 21 ministrative expenses in support of capital policy activi-  
 22 ties; and administrative and legal expenses of the Depart-  
 23 ment for collecting and recovering amounts owed the De-  
 24 partment as authorized under chapter 17 of title 38,  
 25 United States Code, and the Federal Medical Care Recov-  
 26 ery Act (42 U.S.C. 2651 et seq.): \$3,517,000,000, plus

1 reimbursements, of which \$250,000,000 shall be available  
2 until September 30, 2009.

3 MEDICAL FACILITIES

4 For necessary expenses for the maintenance and op-  
5 eration of hospitals, nursing homes, and domiciliary facili-  
6 ties and other necessary facilities of the Veterans Health  
7 Administration; for administrative expenses in support of  
8 planning, design, project management, real property ac-  
9 quisition and disposition, construction, and renovation of  
10 any facility under the jurisdiction or for the use of the  
11 Department; for oversight, engineering, and architectural  
12 activities not charged to project costs; for repairing, alter-  
13 ing, improving, or providing facilities in the several hos-  
14 pitals and homes under the jurisdiction of the Depart-  
15 ment, not otherwise provided for, either by contract or by  
16 the hire of temporary employees and purchase of mate-  
17 rials; for leases of facilities; and for laundry services,  
18 \$4,100,000,000, plus reimbursements, of which  
19 \$350,000,000 shall be available until September 30, 2009:  
20 *Provided*, That \$325,000,000 for non-recurring mainte-  
21 nance provided under this heading shall be allocated in  
22 a manner not subject to the Veterans Equitable Resource  
23 Allocation.

24 MEDICAL AND PROSTHETIC RESEARCH

25 For necessary expenses in carrying out programs of  
26 medical and prosthetic research and development as au-

1 thorized by chapter 73 of title 38, United States Code,  
 2 \$480,000,000, plus reimbursements, to remain available  
 3 until September 30, 2009.

#### 4 NATIONAL CEMETERY ADMINISTRATION

5 For necessary expenses of the National Cemetery Ad-  
 6 ministration for operations and maintenance, not other-  
 7 wise provided for, including uniforms or allowances there-  
 8 for; cemeterial expenses as authorized by law; purchase  
 9 of one passenger motor vehicle for use in cemeterial oper-  
 10 ations; and hire of passenger motor vehicles,  
 11 \$195,000,000, of which not to exceed \$20,000,000 shall  
 12 be available until September 30, 2009.

#### 13 DEPARTMENTAL ADMINISTRATION

##### 14 GENERAL OPERATING EXPENSES

15 For necessary operating expenses of the Department  
 16 of Veterans Affairs, not otherwise provided for, including  
 17 administrative expenses in support of Department-Wide  
 18 capital planning, management and policy activities, uni-  
 19 forms, or allowances therefor; not to exceed \$25,000 for  
 20 official reception and representation expenses; hire of pas-  
 21 senger motor vehicles; and reimbursement of the General  
 22 Services Administration for security guard services, and  
 23 the Department of Defense for the cost of overseas em-  
 24 ployee mail, \$1,605,000,000: *Provided*, That expenses for  
 25 services and assistance authorized under paragraphs (1),

1 (2), (5), and (11) of section 3104(a) of title 38, United  
 2 States Code, that the Secretary of Veterans Affairs deter-  
 3 mines are necessary to enable entitled veterans: (1) to the  
 4 maximum extent feasible, to become employable and to ob-  
 5 tain and maintain suitable employment; or (2) to achieve  
 6 maximum independence in daily living, shall be charged  
 7 to this account: *Provided further*, That the Veterans Bene-  
 8 fits Administration shall be funded at not less than  
 9 \$1,327,001,000: *Provided further*, That of the funds made  
 10 available under this heading, not to exceed \$75,000,000  
 11 shall be available for obligation until September 30, 2009:  
 12 *Provided further*, That from the funds made available  
 13 under this heading, the Veterans Benefits Administration  
 14 may purchase (on a one-for-one replacement basis only)  
 15 up to two passenger motor vehicles for use in operations  
 16 of that Administration in Manila, Philippines.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For necessary expenses for information technology  
 19 systems and telecommunications support, including devel-  
 20 opmental information systems and operational information  
 21 systems; including pay and associated cost for operations  
 22 and maintenance associated staff; for the capital asset ac-  
 23 quisition of information technology systems, including  
 24 management and related contractual costs of said acquisi-  
 25 tions, including contractual costs associated with oper-  
 26 ations authorized by section 3109 of title 5, United States



1 Code, \$1,966,465,000, to be available until September 30,  
2 2009: *Provided*, That none of these funds may be obli-  
3 gated until the Department of Veterans Affairs submits  
4 to the Committees on Appropriations of both Houses of  
5 Congress, and such Committees approve, a plan for ex-  
6 penditure that: (1) meets the capital planning and invest-  
7 ment control review requirements established by the Office  
8 of Management and Budget; (2) complies with the Depart-  
9 ment of Veterans Affairs enterprise architecture; (3) con-  
10 forms with an established enterprise life cycle method-  
11 ology; and (4) complies with the acquisition rules, require-  
12 ments, guidelines, and systems acquisition management  
13 practices of the Federal Government: *Provided further*,  
14 That within 30 days of enactment of this Act, the Sec-  
15 retary of Veterans Affairs shall submit to the Committees  
16 on Appropriations of both Houses of Congress a re-  
17 programming base letter which provides, by project, the  
18 costs included in this appropriation.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector  
21 General, to include information technology, in carrying out  
22 the provisions of the Inspector General Act of 1978 (5  
23 U.S.C. App.), \$80,500,000, of which \$5,000,000 shall be  
24 available until September 30, 2009.

## CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,069,100,000, to remain available until expended, of which \$2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment

1 strategy studies funded through the advance planning  
2 fund and the planning and design activities funded  
3 through the design fund, including needs assessments  
4 which may or may not lead to capital investments, none  
5 of the funds appropriated under this heading shall be used  
6 for any project which has not been approved by the Con-  
7 gress in the budgetary process: *Provided further*, That  
8 funds provided in this appropriation for fiscal year 2008,  
9 for each approved project shall be obligated: (1) by the  
10 awarding of a construction documents contract by Sep-  
11 tember 30, 2008; and (2) by the awarding of a construc-  
12 tion contract by September 30, 2009: *Provided further*,  
13 That the Secretary of Veterans Affairs shall promptly sub-  
14 mit to the Committees on Appropriations of both Houses  
15 of Congress a written report on any approved major con-  
16 struction project for which obligations are not incurred  
17 within the time limitations established above: *Provided*  
18 *further*, That none of the funds appropriated in this or  
19 any other Act may be used to reduce the mission, services,  
20 or infrastructure, including land, of the 18 facilities on  
21 the Capital Asset Realignment for Enhanced Services  
22 (CARES) list requiring further study, as specified by the  
23 Secretary of Veterans Affairs, without prior approval of  
24 the Committees on Appropriations of both Houses of Con-  
25 gress.

## CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$630,535,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2)

1 temporary measures necessary to prevent or to minimize  
 2 further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE  
 4 FACILITIES

5 For grants to assist States to acquire or construct  
 6 State nursing home and domiciliary facilities and to re-  
 7 model, modify, or alter existing hospital, nursing home,  
 8 and domiciliary facilities in State homes, for furnishing  
 9 care to veterans as authorized by sections 8131 through  
 10 8137 of title 38, United States Code, \$165,000,000, to  
 11 remain available until expended.

12 GRANTS FOR CONSTRUCTION OF STATE VETERANS  
 13 CEMETERIES

14 For grants to assist States in establishing, expand-  
 15 ing, or improving State veterans cemeteries as authorized  
 16 by section 2408 of title 38, United States Code,  
 17 \$39,500,000, to remain available until expended.

18 ADMINISTRATIVE PROVISIONS  
 19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. Any appropriation for fiscal year 2008 for  
 21 “Compensation and pensions”, “Readjustment benefits”,  
 22 and “Veterans insurance and indemnities” may be trans-  
 23 ferred as necessary to any other of the mentioned appro-  
 24 priations: *Provided*, That before a transfer may take place,  
 25 the Secretary of Veterans Affairs shall request from the  
 26 Committees on Appropriations of both Houses of Congress

1 the authority to make the transfer and such Committees  
2 issue an approval, or absent a response, a period of 30  
3 days has elapsed.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 202. Amounts made available for fiscal year  
6 2008, in this Act or any other Act, under the “Medical  
7 services”, “Medical Administration”, and “Medical facili-  
8 ties” accounts may be transferred among the accounts to  
9 the extent necessary to implement the restructuring of the  
10 Veterans Health Administration accounts: *Provided*, That  
11 before a transfer may take place, the Secretary of Vet-  
12 erans Affairs shall request from the Committees on Appro-  
13 priations of both Houses of Congress the authority to  
14 make the transfer and an approval is issued.

15 SEC. 203. Appropriations available in this title for  
16 salaries and expenses shall be available for services au-  
17 thorized by section 3109 of title 5, United States Code,  
18 hire of passenger motor vehicles; lease of a facility or land  
19 or both; and uniforms or allowances therefore, as author-  
20 ized by sections 5901 through 5902 of title 5, United  
21 States Code.

22 SEC. 204. No appropriations in this title (except the  
23 appropriations for “Construction, major projects”, and  
24 “Construction, minor projects”) shall be available for the  
25 purchase of any site for or toward the construction of any  
26 new hospital or home.

1        SEC. 205. No appropriations in this title shall be  
2 available for hospitalization or examination of any persons  
3 (except beneficiaries entitled to such hospitalization or ex-  
4 amination under the laws providing such benefits to vet-  
5 erans, and persons receiving such treatment under sec-  
6 tions 7901 through 7904 of title 5, United States Code,  
7 or the Robert T. Stafford Disaster Relief and Emergency  
8 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-  
9 bursement of the cost of such hospitalization or examina-  
10 tion is made to the “Medical services” account at such  
11 rates as may be fixed by the Secretary of Veterans Affairs.

12        SEC. 206. Appropriations available in this title for  
13 “Compensation and pensions”, “Readjustment benefits”,  
14 and “Veterans insurance and indemnities” shall be avail-  
15 able for payment of prior year accrued obligations re-  
16 quired to be recorded by law against the corresponding  
17 prior year accounts within the last quarter of fiscal year  
18 2007.

19        SEC. 207. Appropriations available in this title shall  
20 be available to pay prior year obligations of corresponding  
21 prior year appropriations accounts resulting from sections  
22 3328(a), 3334, and 3712(a) of title 31, United States  
23 Code, except that if such obligations are from trust fund  
24 accounts they shall be payable only from “Compensation  
25 and pensions”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.



1        SEC. 209. Amounts deducted from enhanced-use  
2 lease proceeds to reimburse an account for expenses in-  
3 curred by that account during a prior fiscal year for pro-  
4 viding enhanced-use lease services, may be obligated dur-  
5 ing the fiscal year in which the proceeds are received.

6                    (INCLUDING TRANSFER OF FUNDS)

7        SEC. 210. Funds available in this title or funds for  
8 salaries and other administrative expenses shall also be  
9 available to reimburse the Office of Resolution Manage-  
10 ment of the Department of Veterans Affairs and the Of-  
11 fice of Employment Discrimination Complaint Adjudica-  
12 tion under section 319 of title 38, United States Code,  
13 for all services provided at rates which will recover actual  
14 costs but not exceed \$32,067,000 for the Office of Resolu-  
15 tion Management and \$3,148,000 for the Office of Em-  
16 ployment and Discrimination Complaint Adjudication:  
17 *Provided*, That payments may be made in advance for  
18 services to be furnished based on estimated costs: *Provided*  
19 *further*, That amounts received shall be credited to “Gen-  
20 eral operating expenses” for use by the office that pro-  
21 vided the service.

22        SEC. 211. No appropriations in this title shall be  
23 available to enter into any new lease of real property if  
24 the estimated annual rental is more than \$300,000 unless  
25 the Secretary submits a report which the Committees on

1 Appropriations of both Houses of Congress approve within  
 2 30 days following the date on which the report is received.

3 SEC. 212. No funds of the Department of Veterans  
 4 Affairs shall be available for hospital care, nursing home  
 5 care, or medical services provided to any person under  
 6 chapter 17 of title 38, United States Code, for a non-serv-  
 7 ice-connected disability described in section 1729(a)(2) of  
 8 such title, unless that person has disclosed to the Sec-  
 9 retary of Veterans Affairs, in such form as the Secretary  
 10 may require, current, accurate third-party reimbursement  
 11 information for purposes of section 1729 of such title: *Pro-*  
 12 *vided*, That the Secretary may recover, in the same man-  
 13 ner as any other debt due the United States, the reason-  
 14 able charges for such care or services from any person who  
 15 does not make such disclosure as required: *Provided fur-*  
 16 *ther*, That any amounts so recovered for care or services  
 17 provided in a prior fiscal year may be obligated by the  
 18 Secretary during the fiscal year in which amounts are re-  
 19 ceived.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 213. Notwithstanding any other provision of  
 22 law, at the discretion of the Secretary of Veterans Affairs,  
 23 proceeds or revenues derived from enhanced-use leasing  
 24 activities (including disposal) may be deposited into the  
 25 “Construction, major projects” and “Construction, minor  
 26 projects” accounts and be used for construction (including

1 site acquisition and disposition), alterations, and improve-  
2 ments of any medical facility under the jurisdiction or for  
3 the use of the Department of Veterans Affairs. Such sums  
4 as realized are in addition to the amount provided for in  
5 “Construction, major projects” and “Construction, minor  
6 projects”.

7 SEC. 214. Amounts made available under “Medical  
8 services” are available—

9 (1) for furnishing recreational facilities, sup-  
10 plies, and equipment; and

11 (2) for funeral expenses, burial expenses, and  
12 other expenses incidental to funerals and burials for  
13 beneficiaries receiving care in the Department.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 215. Such sums as may be deposited to the  
16 Medical Care Collections Fund pursuant to section 1729A  
17 of title 38, United States Code, may be transferred to  
18 “Medical services”, to remain available until expended for  
19 the purposes of that account.

20 SEC. 216. Notwithstanding any other provision of  
21 law, the Secretary of Veterans Affairs shall allow veterans  
22 who are eligible under existing Department of Veterans  
23 Affairs medical care requirements and who reside in Alas-  
24 ka to obtain medical care services from medical facilities  
25 supported by the Indian Health Service or tribal organiza-  
26 tions. The Secretary shall: (1) limit the application of this

1 provision to rural Alaskan veterans in areas where an ex-  
 2 isting Department of Veterans Affairs facility or Veterans  
 3 Affairs-contracted service is unavailable; (2) require par-  
 4 ticipating veterans and facilities to comply with all appro-  
 5 priate rules and regulations, as established by the Sec-  
 6 retary; (3) require this provision to be consistent with  
 7 Capital Asset Realignment for Enhanced Services activi-  
 8 ties; and (4) result in no additional cost to the Department  
 9 of Veterans Affairs or the Indian Health Service.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 217. Such sums as may be deposited to the De-  
 12 partment of Veterans Affairs Capital Asset Fund pursu-  
 13 ant to section 8118 of title 38, United States Code, may  
 14 be transferred to the “Construction, major projects” and  
 15 “Construction, minor projects” accounts, to remain avail-  
 16 able until expended for the purposes of these accounts.

17 SEC. 218. None of the funds available to the Depart-  
 18 ment of Veterans Affairs, in this Act, or any other Act,  
 19 may be used to replace the current system by which the  
 20 Veterans Integrated Services Networks select and contract  
 21 for diabetes monitoring supplies and equipment.

22 SEC. 219. None of the funds made available in this  
 23 Act may be used to implement any policy prohibiting the  
 24 Directors of the Veterans Integrated Service Networks  
 25 from conducting outreach or marketing to enroll new vet-  
 26 erans within their respective Networks.

1        SEC. 220. The Secretary of Veterans Affairs shall  
2 submit to the Committees on Appropriations of both  
3 Houses of Congress a quarterly report on the financial  
4 status of the Veterans Health Administration.

5                    (INCLUDING TRANSFER OF FUNDS)

6        SEC. 221. Amounts made available under the “Med-  
7 ical services”, “Medical Administration”, “Medical facili-  
8 ties”, “General operating expenses”, and “National Ceme-  
9 tery Administration” accounts for fiscal year 2008, may  
10 be transferred to or from the “Information technology sys-  
11 tems” account: *Provided*, That before a transfer may take  
12 place, the Secretary of Veterans Affairs shall request from  
13 the Committees on Appropriations of both Houses of Con-  
14 gress the authority to make the transfer and an approval  
15 is issued.

16        SEC. 222. Amounts made available for the “Informa-  
17 tion technology systems” account may be transferred be-  
18 tween projects: *Provided*, That no project may be in-  
19 creased or decreased by more than \$1,000,000 of cost  
20 prior to submitting a request to the Committees on Appro-  
21 priations of both Houses of Congress to make the transfer  
22 and an approval is issued, or absent a response, a period  
23 of 30 days has elapsed.

24                    (INCLUDING TRANSFER OF FUNDS)

25        SEC. 223. Any balances in prior year accounts estab-  
26 lished for the payment of benefits under the Reinstated

1 Entitlement Program for Survivors shall be transferred to  
2 and merged with amounts available under the “Compensa-  
3 tion and pensions” account, and receipts that would other-  
4 wise be credited to the accounts established for the pay-  
5 ment of benefits under the Reinstated Entitlement Pro-  
6 gram for Survivors program shall be credited to amounts  
7 available under the “Compensation and pensions” ac-  
8 count.

9       SEC. 224. PROHIBITION ON DISPOSAL OF DEPART-  
10 MENT OF VETERANS AFFAIRS LANDS AND IMPROVE-  
11 MENTS AT WEST LOS ANGELES MEDICAL CENTER, CALI-  
12 FORNIA. (a) IN GENERAL.—The Secretary of Veterans Af-  
13 fairs may not declare as excess to the needs of the Depart-  
14 ment of Veterans Affairs, or otherwise take any action to  
15 exchange, trade, auction, transfer, or otherwise dispose of,  
16 or reduce the acreage of, Federal land and improvements  
17 at the Department of Veterans Affairs West Los Angeles  
18 Medical Center, California, encompassing approximately  
19 388 acres on the north and south sides of Wilshire Boule-  
20 vard and west of the 405 Freeway.

21       (b) SPECIAL PROVISION REGARDING LEASE WITH  
22 REPRESENTATIVE OF THE HOMELESS.—Notwithstanding  
23 any provision of this Act, section 7 of the Homeless Vet-  
24 erans Comprehensive Services Act of 1992 (Public Law  
25 102–590) shall remain in effect.

1 (c) CONFORMING AMENDMENT.—Section 8162(c)(1)  
2 of title 38, United States Code, is amended—

3 (1) by inserting “or section 225(a) of the Mili-  
4 tary Construction and Veterans Affairs and Related  
5 Agencies Appropriations Act, 2008” after “section  
6 421(b)(2) of the Veterans’ Benefits and Services Act  
7 of 1988 (Public Law 100–322; 102 Stat. 553)”; and

8 (2) by striking “that section” and inserting  
9 “such sections”.

10 (d) EFFECTIVE DATE.—This section, including the  
11 amendment made by this section, shall apply with respect  
12 to fiscal year 2008 and each fiscal year thereafter.

13 SEC. 225. The Department shall continue research  
14 into Gulf War Illness at levels not less than those made  
15 available in fiscal year 2007, within available funds con-  
16 tained in this Act.

17 SEC. 226. (a) Not later than 30 days after the date  
18 of the enactment of this Act, the Inspector General of the  
19 Department of Veterans Affairs shall establish and main-  
20 tain on the homepage of the Internet website of the Office  
21 of Inspector General a mechanism by which individuals  
22 can anonymously report cases of waste, fraud, or abuse  
23 with respect to the Department of Veterans Affairs.

24 (b) Not later than 30 days after the date of the enact-  
25 ment of this Act, the Secretary of Veterans Affairs shall

1 establish and maintain on the homepage of the Internet  
2 website of the Department of Veterans Affairs a direct  
3 link to the Internet website of the Office of Inspector Gen-  
4 eral of the Department of Veterans Affairs.

5 SEC. 227. (a) Upon a determination by the Secretary  
6 of Veterans Affairs that such action is in the national in-  
7 terest, and will have a direct benefit for veterans through  
8 increased access to treatment, the Secretary of Veterans  
9 Affairs may transfer not more than \$5,000,000 to the Sec-  
10 retary of Health and Human Services for the Graduate  
11 Psychology Education Program, which includes treatment  
12 of veterans, to support increased training of psychologists  
13 skilled in the treatment of post-traumatic stress disorder,  
14 traumatic brain injury, and related disorders.

15 (b) The Secretary of Health and Human Services  
16 may only use funds transferred under this section for the  
17 purposes described in subsection (a).

18 (c) The Secretary of Veterans Affairs shall notify  
19 Congress of any such transfer of funds under this section.

20 SEC. 228. None of the funds appropriated or other-  
21 wise made available by this Act or any other Act for the  
22 Department of Veterans Affairs may be used in a manner  
23 that is inconsistent with—

24 (1) section 842 of the Transportation, Treas-  
25 ury, Housing and Urban Development, the Judici-



1       ary, and Independent Agencies Appropriations Act,  
2       2006 (Public Law 109–115; 119 Stat. 2506); or  
3       (2) section 8110(a)(5) of title 38, United States  
4       Code.

5       SEC. 229. The Secretary of Veterans Affairs may  
6       carry out a major medical facility lease in fiscal year 2008  
7       in an amount not to exceed \$12,000,000 to implement the  
8       recommendations outlined in the August, 2007 Study of  
9       South Texas Veterans’ Inpatient and Specialty Outpatient  
10      Health Care Needs.

11                   (INCLUDING RESCISSION OF FUNDS)

12      SEC. 230. Of the amounts made available for “Vet-  
13      erans Health Administration, Medical Services” in Public  
14      Law 110–28, \$66,000,000 are rescinded. For an addi-  
15      tional amount for “Departmental Administration, Con-  
16      struction, Major Projects”, \$66,000,000, to be available  
17      until expended. Amounts in this section are designated as  
18      emergency requirements and necessary to meet emergency  
19      needs pursuant to subsections (a) and (b) of section 204  
20      of S. Con. Res. 21 (110th Congress), the concurrent reso-  
21      lution on the budget for fiscal year 2008.

1 TITLE III  
2 RELATED AGENCIES  
3 AMERICAN BATTLE MONUMENTS COMMISSION  
4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,  
6 of the American Battle Monuments Commission, including  
7 the acquisition of land or interest in land in foreign coun-  
8 tries; purchases and repair of uniforms for caretakers of  
9 national cemeteries and monuments outside of the United  
10 States and its territories and possessions; rent of office  
11 and garage space in foreign countries; purchase (one-for-  
12 one replacement basis only) and hire of passenger motor  
13 vehicles; not to exceed \$7,500 for official reception and  
14 representation expenses; and insurance of official motor  
15 vehicles in foreign countries, when required by law of such  
16 countries, \$44,600,000, to remain available until ex-  
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,  
20 of the American Battle Monuments Commission,  
21 \$11,000,000, to remain available until expended, for pur-  
22 poses authorized by section 2109 of title 36, United States  
23 Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS  
2 CLAIMS  
3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the  
5 United States Court of Appeals for Veterans Claims as  
6 authorized by sections 7251 through 7298 of title 38,  
7 United States Code, \$22,717,000, of which \$1,210,000  
8 shall be available for the purpose of providing financial  
9 assistance as described, and in accordance with the proc-  
10 ess and reporting procedures set forth, under this heading  
11 in Public Law 102-229.

12 DEPARTMENT OF DEFENSE—CIVIL  
13 CEMETERIAL EXPENSES, ARMY  
14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, for  
16 maintenance, operation, and improvement of Arlington  
17 National Cemetery and Soldiers' and Airmen's Home Na-  
18 tional Cemetery, including the purchase of two passenger  
19 motor vehicles for replacement only, and not to exceed  
20 \$1,000 for official reception and representation expenses,  
21 \$31,230,000, to remain available until expended. In addi-  
22 tion, such sums as may be necessary for parking mainte-  
23 nance, repairs and replacement, to be derived from the  
24 Lease of Department of Defense Real Property for De-  
25 fense Agencies account.

1 Funds appropriated under this Act may be provided  
 2 to Arlington County, Virginia, for the relocation of the  
 3 federally-owned water main at Arlington National Ceme-  
 4 tery making additional land available for ground burials.

#### 5 ARMED FORCES RETIREMENT HOME

#### 6 TRUST FUND

7 For expenses necessary for the Armed Forces Retire-  
 8 ment Home to operate and maintain the Armed Forces  
 9 Retirement Home—Washington, District of Columbia and  
 10 the Armed Forces Retirement Home—Gulfport, Mis-  
 11 sissippi, to be paid from funds available in the Armed  
 12 Forces Retirement Home Trust Fund, \$55,724,000.

#### 13 GENERAL FUND PAYMENT, ARMED FORCES

#### 14 RETIREMENT HOME

15 For payment to the “Armed Forces Retirement  
 16 Home”, \$800,000, to remain available until expended.

### 17 TITLE IV

#### 18 GENERAL PROVISIONS

19 SEC. 401. No part of any appropriation contained in  
 20 this Act shall remain available for obligation beyond the  
 21 current fiscal year unless expressly so provided herein.

22 SEC. 402. Such sums as may be necessary for fiscal  
 23 year 2008 pay raises for programs funded by this Act shall  
 24 be absorbed within the levels appropriated in this Act.

1       SEC. 403. None of the funds made available in this  
2 Act may be used for any program, project, or activity,  
3 when it is made known to the Federal entity or official  
4 to which the funds are made available that the program,  
5 project, or activity is not in compliance with any Federal  
6 law relating to risk assessment, the protection of private  
7 property rights, or unfunded mandates.

8       SEC. 404. No part of any funds appropriated in this  
9 Act shall be used by an agency of the executive branch,  
10 other than for normal and recognized executive-legislative  
11 relationships, for publicity or propaganda purposes, and  
12 for the preparation, distribution or use of any kit, pam-  
13 phlet, booklet, publication, radio, television, or film presen-  
14 tation designed to support or defeat legislation pending  
15 before Congress, except in presentation to Congress itself.

16       SEC. 405. All departments and agencies funded under  
17 this Act are encouraged, within the limits of the existing  
18 statutory authorities and funding, to expand their use of  
19 “E-Commerce” technologies and procedures in the con-  
20 duct of their business practices and public service activi-  
21 ties.

22       SEC. 406. None of the funds made available in this  
23 Act may be transferred to any department, agency, or in-  
24 strumentality of the United States Government except

1 pursuant to a transfer made by, or transfer authority pro-  
2 vided in, this or any other appropriations Act.

3 SEC. 407. Unless stated otherwise, all reports and no-  
4 tifications required by this Act shall be submitted to the  
5 Subcommittee on Military Construction, Veterans Affairs,  
6 and Related Agencies of the Committee on Appropriations  
7 of the House of Representatives and the Subcommittee on  
8 Military Construction, Veterans Affairs, and Related  
9 Agencies of the Committee on Appropriations of the Sen-  
10 ate.

11 SEC. 408. The Director of the Congressional Budget  
12 Office shall, not later than February 1, 2008, submit to  
13 the Committees on Appropriations of the House of Rep-  
14 resentatives and the Senate a report projecting annual ap-  
15 propriations necessary for the Department of Veterans Af-  
16 fairs to continue providing necessary health care to vet-  
17 erans for fiscal years 2009 through 2012.

18 SEC. 409. None of the funds appropriated or other-  
19 wise made available in this Act may be used for any action  
20 that is related to or promotes the expansion of the bound-  
21 aries or size of the Pinon Canyon Maneuver Site, Colo-  
22 rado.

23 SEC. 410. (a) In this section:

24 (1) The term “City” means the City of Aurora,  
25 Colorado.

1           (2) The term “deed” means the quitclaim  
2 deed—

3           (A) conveyed by the Secretary to the City;  
4 and

5           (B) dated May 24, 1999.

6           (3) The term “non-Federal land” means—

7           (A) parcel I of the Fitzsimons Army Med-  
8 ical Center, Colorado; and

9           (B) the parcel of land described in the  
10 deed.

11          (4) The term “Secretary” means the Secretary  
12 of the Interior.

13          (b)(1) In accordance with paragraph (2), to allow the  
14 City to convey by donation to the United States the non-  
15 Federal land to be used by the Secretary of Veterans Af-  
16 fairs for the construction of a veterans medical facility.

17          (2) In carrying out paragraph (1), with respect to  
18 the non-Federal land, the Secretary shall forego exercising  
19 any rights provided by the—

20           (A) deed relating to a reversionary interest of  
21 the United States; and

22           (B) any other reversionary interest of the  
23 United States.

1        This Act may be cited as the “Military Construction  
2 and Veterans Affairs and Related Agencies Appropriations  
3 Act, 2008”.





**Calendar No. 511**

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 2363**

**A BILL**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

NOVEMBER 16, 2007

Read the second time and placed on the calendar